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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

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3 UNITED STATES OF AMERICA,

4 v.

17 CR 307 (DLC)

5 ANTHONY WEINER,

6 Defendant.

7 -----x

8 New York, N.Y.

9 May 19, 2017

11:00 a.m.

10 Before:

11 HON. LORETTA A. PRESKA,

12 District Judge

13 APPEARANCES

14 JOON H. KIM

15 Acting United States Attorney for the
16 Southern District of New York

STEPHANIE LAKE

17 AMANDA KRAMER

Assistant United States Attorneys

18 COVINGTON & BURLING, LLP

19 Attorneys for Defendant

ARLO DEVLIN-BROWN

20 PAUL DOWNS

21 ALSO PRESENT: Special Agents John Robertson and Stacy
22 Shahrani, FBI

23 Pretrial Services Officer Joshua Rothman

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1 THE COURT: United States v. Anthony Weiner. Is the
2 government ready?

3 MS. LAKE: Yes. Good morning, your Honor. Stephanie
4 Lake and Amanda Kramer for the United States. With us at
5 counsel table is Special Agent John Robertson and Stacy
6 Shahrani from the FBI.

7 THE COURT: Is the defense ready?

8 MR. DEVLIN-BROWN: Arlo Devlin-Brown and Paul Downs
9 for Mr. Weiner.

10 THE COURT: Yes, sir. Thank you.

11 Mr. Weiner, would you stand and raise your right hand.

12 (Defendant sworn)

13 THE COURT: How old are you, sir?

14 THE DEFENDANT: I'm 52 years old.

15 THE COURT: Do you understand that you are now under
16 oath, and if you answer any question falsely, your answers may
17 later be used against you in a prosecution for perjury or the
18 making of a false statement?

19 THE DEFENDANT: I do, your Honor.

20 THE COURT: Where were you born?

21 THE DEFENDANT: New York City.

22 THE COURT: So you are a citizen of the United States?

23 THE DEFENDANT: Yes, your Honor.

24 THE COURT: You read, write, understand and speak
25 English?

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1 THE DEFENDANT: Yes, your Honor.

2 THE COURT: How far did you go in school, sir?

3 THE DEFENDANT: I graduated college.

4 THE COURT: Are you currently under the care of a
5 doctor or a psychiatrist?

6 THE DEFENDANT: I see a therapist regularly.

7 THE COURT: Are you currently under the influence of
8 any substance such as alcohol, drugs, or any medication that
9 might affect your ability to understand what you're doing here
10 in court today?

11 THE DEFENDANT: No, your Honor.

12 THE COURT: Do you feel well enough to understand what
13 you are doing here in court today?

14 THE DEFENDANT: I do, your Honor.

15 THE COURT: Sir, have you received a copy of the
16 information lodged against you?

17 THE DEFENDANT: Yes, I have, your Honor.

18 THE COURT: Do you understand that you have the right
19 to have your case presented to the grand jury for indictment?

20 THE DEFENDANT: I do, your Honor.

21 THE COURT: Do you understand that you are under no
22 obligation to waive that right?

23 THE DEFENDANT: I do, your Honor.

24 THE COURT: Do you also understand that if you do not
25 waive that right, the government would have to present your

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1 case to the grand jury, which might or might not indict you?

2 THE DEFENDANT: I understand that, your Honor.

3 THE COURT: Am I correct that after conferring with
4 counsel, you've decided that it's in your best interests to
5 waive indictment in this situation?

6 THE DEFENDANT: Yes, your Honor.

7 THE COURT: Have you indicated that waiver in a
8 document which I'm holding up and is dated May 19, 2017?

9 THE DEFENDANT: Yes, your Honor.

10 THE COURT: Is that your signature on the top line
11 there?

12 THE DEFENDANT: It is, your Honor.

13 THE COURT: I find that the defendant has knowingly
14 and voluntarily waived his right to indictment.

15 Sir, have you gone over the information with your
16 attorney?

17 THE DEFENDANT: I have, your Honor.

18 THE COURT: Do you want me to read the whole thing out
19 loud in court now or is it sufficient that you've gone over it
20 with your attorney?

21 THE DEFENDANT: It's not necessary to read it. I've
22 read it myself, your Honor.

23 THE COURT: How do you now plead, sir?

24 THE DEFENDANT: I plead guilty, your Honor.

25 THE COURT: All right, sir. Has Mr. Devlin-Brown

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1 explained to you the charges against you?

2 THE DEFENDANT: He has.

3 THE COURT: Have you told him everything you know
4 about the matter?

5 THE DEFENDANT: Yes, I have.

6 THE COURT: You haven't held anything back from him,
7 have you, sir?

8 THE DEFENDANT: No, your Honor.

9 THE COURT: Counsel, am I correct that there is an
10 agreement between the government and the defendant which is
11 dated May 4, 2017, and which is signed May 10, 2017?

12 MS. LAKE: Yes, your Honor; that's correct.

13 MR. DEVLIN-BROWN: It is correct, your Honor.

14 THE COURT: Thank you. We'll mark it as Court Exhibit
15 1.

16 May I ask the government to summarize, please, the
17 terms and conditions in the agreement.

18 MS. LAKE: Yes, your Honor. The agreement
19 contemplates a plea to Count One of the information which
20 charges that the defendant transmitted obscene material to a
21 minor who was under the age of 16.

22 In the agreement the parties stipulate to a sentencing
23 guidelines range of 120 months' imprisonment. While the
24 sentencing judge has the ultimate authority to determine the
25 sentence in this case, the government has agreed, pursuant to

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1 the agreement, that a sentence within the range of 21 to 27
2 months' imprisonment would be fair and appropriate under the
3 circumstances. This is the sentencing guidelines range that
4 would result, absent the application of certain cross
5 references in the sentencing guidelines.

6 The agreement further contains an appellate waiver
7 through which the defendant agrees not to appeal any sentence
8 that is within or below the range of 21 to 27 months'
9 imprisonment.

10 THE COURT: Yes, ma'am.

11 Mr. Weiner, are those the terms and conditions of the
12 agreement as you understand them?

13 THE DEFENDANT: They are, your Honor.

14 THE COURT: Do you understand that in this agreement
15 you have agreed that you will not appeal or otherwise litigate
16 a sentence within or below 21 to 27 months' imprisonment?

17 THE DEFENDANT: I understand that, your Honor.

18 THE COURT: Do you also understand that in this
19 agreement you have agreed to forfeit essentially an iPhone?

20 THE DEFENDANT: Yes, your Honor.

21 THE COURT: Do you also understand that in this
22 agreement you have acknowledged your obligation to comply with
23 the Sex Offender Registration and Notification Act?

24 THE DEFENDANT: I understand that, your Honor.

25 THE COURT: Sir, have you had adequate time to review

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1 the agreement and to go over it with counsel?

2 THE DEFENDANT: I have, your Honor.

3 THE COURT: Holding up the agreement here and turning
4 to the last page, is that your signature over here on the
5 left-hand side under the words "agreed and consented to"?

6 THE DEFENDANT: It is, your Honor.

7 THE COURT: Am I correct that your willingness to
8 offer to plead guilty is in part a result of this agreement
9 between you and the government?

10 THE DEFENDANT: It is, your Honor.

11 THE COURT: Counsel, are there any other agreements
12 between the defendant and the government that are not set forth
13 in the written plea agreement?

14 MS. LAKE: No, your Honor.

15 MR. DEVLIN-BROWN: No, your Honor.

16 THE COURT: Very well then. The agreement is
17 acceptable to the Court.

18 Sir, have you been induced to offer to plead guilty as
19 a result of any fear, pressure, threat, or force of any kind?

20 THE DEFENDANT: No, your Honor.

21 THE COURT: Have you been induced to offer to plead
22 guilty by reason of any statements by anyone, other than in
23 your written plea agreement --

24 THE DEFENDANT: No, your Honor.

25 THE COURT: -- to the effect that you would get

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1 special leniency, special treatment, or some kind of special
2 consideration if you pleaded guilty, rather than going to
3 trial?

4 THE DEFENDANT: No, your Honor, I have not.

5 THE COURT: Do you understand that you have the right
6 to plead not guilty and to proceed to trial?

7 THE DEFENDANT: I understand that, your Honor.

8 THE COURT: Do you understand that if you do not plead
9 guilty, you're entitled to a speedy and public trial by a jury
10 of 12 persons?

11 THE DEFENDANT: I understand that, your Honor.

12 THE COURT: Do you understand that you have the right
13 to be represented by an attorney at trial and at every stage of
14 the proceeding, including an appeal? If you cannot afford an
15 attorney, one will be appointed to represent you free of
16 charge.

17 THE DEFENDANT: I understand that, your Honor.

18 THE COURT: Do you understand that if your plea of
19 guilty is accepted, there will be no further trial of any kind?

20 THE DEFENDANT: I do understand that, your Honor.

21 THE COURT: Do you understand that if you pleaded not
22 guilty and went to trial, you would be presumed innocent,
23 unless and until the government proved your guilt beyond a
24 reasonable doubt to all 12 jurors?

25 THE DEFENDANT: I understand that, your Honor.

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1 THE COURT: Do you understand that upon such a trial,
2 you would have the right to confront and cross-examine all of
3 the witnesses called by the government against you?

4 THE DEFENDANT: I understand that, your Honor.

5 THE COURT: Do you understand that at such a trial you
6 could remain silent, and no inference could be drawn against
7 you by reason of your silence, or, if you wanted to, you could
8 take the stand and testify in your own defense?

9 THE DEFENDANT: I understand that, your Honor.

10 THE COURT: Do you understand that at such a trial you
11 would have the right to subpoena witnesses and evidence for
12 your own defense?

13 THE DEFENDANT: I do understand that, your Honor.

14 THE COURT: Do you understand that if your plea of
15 guilty is accepted, you give up these rights with respect to
16 this charge against you, and the Court may impose sentence just
17 as though a jury had brought in a verdict of guilty against
18 you?

19 THE DEFENDANT: I understand that, your Honor.

20 THE COURT: Do you understand that if you wanted to,
21 and if the government agreed, you could have a trial before a
22 judge without a jury, in which event the burden of proof would
23 still be on the government and you would still have the same
24 Constitutional rights?

25 THE DEFENDANT: I understand that, your Honor.

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1 THE COURT: Sir, do you understand that upon your plea
2 of guilty to this charge, the Court has the power to impose
3 upon you a maximum period of imprisonment of 10 years, a
4 maximum period of supervised release of three years, a maximum
5 fine of \$250,000, a \$100 mandatory special assessment, and
6 restitution?

7 THE DEFENDANT: I understand that, your Honor.

8 THE COURT: Do you understand that if the terms and
9 conditions of supervised release are violated, you may be
10 required to serve an additional period of imprisonment which is
11 equal to the period of supervised release, with no credit for
12 time already spent on supervised release?

13 THE DEFENDANT: I understand that, your Honor.

14 THE COURT: Have you discussed the sentencing
15 guidelines with your attorney?

16 THE DEFENDANT: I have.

17 THE COURT: Do you understand that the Court will not
18 be able to determine exactly what guideline applies to your
19 case until after a presentence report has been completed, and
20 you and your attorney and the government have a chance to
21 review it and to challenge the facts that are set out there?

22 THE DEFENDANT: I understand that, your Honor.

23 THE COURT: Do you understand that in determining a
24 sentence, it's the Court's obligation to calculate the
25 applicable sentencing guidelines range, and then to consider

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1 that range, possible departures from that range under the
2 guidelines, and other sentencing factors that are set out in
3 the statute, 18, United States Code, Section 3553(a)?

4 THE DEFENDANT: I understand that, your Honor.

5 THE COURT: Do you understand that under some
6 circumstances as set forth in your plea agreement, either you
7 or the government might have the right to appeal whatever
8 sentence is imposed?

9 THE DEFENDANT: I understand that, your Honor.

10 THE COURT: Do you understand that parole has been
11 abolished, so if you're sentenced to prison, you will not be
12 released on parole?

13 THE DEFENDANT: I understand that, your Honor.

14 THE COURT: Do you understand that you will not be
15 able to withdraw your plea on the ground that your lawyer's
16 prediction or anybody else's prediction as to the applicable
17 sentencing guidelines range or as to the actual sentence turns
18 out not to be correct?

19 THE DEFENDANT: I understand that, your Honor.

20 THE COURT: Do you understand that the offense to
21 which you are pleading guilty is a felony?

22 THE DEFENDANT: I do, your Honor.

23 THE COURT: Are you fully satisfied with the advice,
24 counsel, and representation given to you by your attorney,
25 Mr. Devlin-Brown?

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1 THE DEFENDANT: I am, your Honor.

2 THE COURT: Do I correctly understand that you are
3 offering to plead guilty because you are in fact guilty?

4 THE DEFENDANT: I am guilty, your Honor.

5 THE COURT: If you wish to plead guilty, sir, I'm
6 going to ask you to tell me what you did. As you can see, your
7 answers will be made in counsel's presence, and your answers
8 will be recorded on the record. I remind you that you're still
9 under oath. So if you answer falsely, those answers may later
10 be used against you.

11 Do you understand, sir?

12 THE DEFENDANT: I understand that, your Honor.

13 THE COURT: Do you still wish to plead guilty?

14 THE DEFENDANT: I do, your Honor.

15 THE COURT: Tell me what you did, sir.

16 THE DEFENDANT: I've given this some thought so I've
17 written it down. Is it okay if I read it?

18 THE COURT: Yes, sir.

19 THE DEFENDANT: Beginning with my service in Congress,
20 and continuing into -- forgive me, your Honor.

21 THE COURT: Take your time, sir.

22 THE DEFENDANT: Beginning with my service in Congress,
23 and continuing into the first half of last year, I've
24 compulsively sought attention from women who contacted me on
25 social media, and I engaged with many of them in both sexual

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1 and non-sexual conversation.

2 These destructive impulses brought great devastation
3 to my family and friends, and destroyed my life's dream in
4 public service. Yet, I remained in denial even as the world
5 around me fell apart.

6 In late January 2016, I was contacted by and began
7 exchanging online messages with a stranger who said that she
8 was a high school student, and who I understood to be 15 years
9 old.

10 Through approximately March of 2016, I engaged in
11 obscene communications with this teenager, including sharing
12 explicit images and encouraging her to engage in sexually
13 explicit conduct, just as I had done and continued to do with
14 adult women. I knew this was as morally wrong as it was
15 unlawful.

16 This fall I came to grips for the first time with the
17 depths of my sickness. I -- I had hit bottom. Through
18 treatment I found the courage to take a moral inventory of my
19 defects. I began a program of recovery and mental health
20 treatment that I continue to follow every day.

21 I accept full responsibility for my conduct. I have a
22 sickness, but I do not have an excuse. I apologize to everyone
23 I have hurt. I apologize to the teenage girl whom I mistreated
24 so badly, and I am committed to making amends to all those I
25 have harmed.

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1 Thank you, your Honor.

2 THE COURT: Yes, sir. Thank you.

3 Ms. Lake, is there anything further by way of
4 allocution?

5 MS. LAKE: No, your Honor. Thank you.

6 THE COURT: Mr. Devlin-Brown, do you know any of valid
7 defense that would prevail if the defendant went to trial?

8 MR. DEVLIN-BROWN: I don't know of any, your Honor.

9 THE COURT: Do you know of any reason why he should
10 not plead guilty?

11 MR. DEVLIN-BROWN: I do not know of any.

12 THE COURT: Very well then. The plea is accepted. It
13 is the finding of the Court in the case of the United States v.
14 Anthony Weiner that the defendant is fully competent and
15 capable of entering an informed plea, and that his plea of
16 guilty is knowing and voluntary and is supported by an
17 independent basis in fact containing each and every essential
18 element of the offense.

19 My findings are based upon the defendant's allocution,
20 and, in addition, upon my observations of him here in court
21 today. The plea of guilty is accepted. The defendant is now
22 adjudged to be guilty of the offense.

23 Now, sir, as you know, you'll be required to meet with
24 the probation officer and to give the officer certain
25 information to be included in the presentence report. Counsel

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1 may be present with you when you meet with the probation
2 officer if you want, but certainly both you and he and the
3 government will have a chance to read the presentence report
4 prior to sentencing.

5 Sentencing will be on September 8, at 11 a.m., before
6 Judge Denise Cote.

7 Counsel, do you have anything further?

8 MS. LAKE: Yes, your Honor. The parties have a joint
9 proposed bail package for the Court's consideration. This
10 would include a \$150,000 personal recognizance bond, pretrial
11 supervision as directed, that the defendant's travel be
12 restricted to the Southern, Eastern, and Northern Districts of
13 New York, that the defendant surrender all travel documents and
14 make no new applications, that he continue current mental
15 health treatment and permit pretrial services to confirm his
16 participation, that he not have any knowing contact with the
17 victim or witnesses, and that the defendant may be released
18 today on his own signature and any remaining conditions may be
19 met within one week.

20 THE COURT: Thank you. Mr. Devlin-Brown, is that
21 acceptable to you?

22 MR. DEVLIN-BROWN: Yes, and I will note we already
23 surrendered the passport this morning.

24 THE COURT: Yes, sir. The agreement is sufficient.

25 Sir, a member of the clerk's office staff will attend

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1 to you immediately after this proceeding is over to review the
2 bond with you.

3 THE DEFENDANT: Thank you, your Honor.

4 THE COURT: Counsel, is there anything further?

5 MS. LAKE: No, your Honor.

6 MR. DEVLIN-BROWN: No, your Honor.

7 THE COURT: Very well then. Good morning, ladies and
8 gentlemen.

9 o0o